SAN FRANCISCO DISTRICT

US Army Corps
of Engineers

Regulatory Branch
333 Market Street
San Francisco, CA 94105-2197

PUBLIC NOTICE

NUMBER: 25989N DATE: July 25, 2002

RESPONSE REQUIRED BY: August 9, 2002

PERMIT MANAGER:Clyde Davis PHONE: 415-977-8449 cdavis@spd02.usace.army.mil

1. **INTRODUCTION:** U.S. Army Reserve Center through its agent LTC Joseph Moscariello, ((562)795-2058) has applied for a ten-year Department of the Army permit to maintenance dredge finger piers 22 and 23 on the northeast side of Mare Island Naval Reserve Station in Vallejo, Solano County, California. The purpose of the proposed dredging is to return the berths to a portion of the historic depth to allow safe navigational clearance for Army landing craft. This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. 1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

2. **PROJECT DESCRIPTION:** As shown in the attached drawings, the applicant plans to initially remove approximately 30,000 cubic yards of sediment from the approximately 4 acre area between the piers. Over the life of the permit it is expected that a maximum of 300,000 cubic yards would be removed. Existing depths in the dredging area are from –2.0 to –17.1 feet mean lower low water (MLLW). The design depth for the project is -9 feet MLLW plus an additional 1-foot overdepth allowance. Material would be removed by clamshell and conveyed by barge to Carquinez Straits Disposal Site (SF-9) for disposal.

Prior to each subsequent dredge episode, the sediment to be dredged will be evaluated by the multi-agency Dredged Material Management Office (DMMO) for agency approval of the proposed disposal site.

3. **STATE APPROVALS:** Under Section 401 of the Clean Water Act (33 U.S.C. Section 1341), an applicant for a Corps permit must obtain a State water quality certification or waiver before a Corps permit may be issued. The applicant has provided the Corps with evidence that he has submitted a valid request for State water quality certification to the San Francisco Bay Regional Water Quality Board. No Corps permit will be granted until the applicant obtains the required certification or waiver. A waiver shall be explicit, or it will be deemed to have occurred if the State fails or refuses to act on a valid request for certification within 60 days after the receipt of a valid request, unless the District Engineer determines a shorter or longer period is reasonable for the State to act.

Those parties concerned with any water quality issues that may be associated with this project should write to the Executive Officer, California Regional Water Quality Control Board, San Francisco Bay Region, 1515 Clay Street, Suite 1400, Oakland, California 94612-1413, by the close of the comment period of this public Notice.

4. **ENVIRONMENTAL FACTORS:**

Endangered and Threatened Species

Sacramento River Winter-Run Evolutionarily Significant Unit (ESU) chinook salmon

(*Oncorhynchus tshawytscha*) is listed as endangered (January 4, 1994, 59 FR 440). The ESU includes populations of winter-run chinook salmon in the Sacramento River and its tributaries in California. Critical habitat for Sacramento River Winter-Run ESU chinook salmon is designated in 58 FR 33212, on June 16, 1993. Adult Sacramento River Winter-Run chinook salmon migrate through San Francisco Bay, San Pablo Bay, Suisun Bay, and Honker Bay, to spawning areas in the upper Sacramento River during the late fall and early winter. Juveniles travel downstream through San Francisco Bay to the Pacific Ocean in the late fall.

Central Valley Spring-Run ESU chinook salmon (*Oncorhynchus tshawytscha*) is listed as threatened (September 16, 1999, 64 FR 50394). The ESU includes all naturally spawned populations of spring-run chinook salmon in the Sacramento River and its tributaries in California. Critical habitat for Central Valley Spring-Run chinook salmon is designated in 65 FR 7764, on February 16, 2000. Adult Central Valley Spring-Run chinook salmon migrate through San Francisco Bay, San Pablo Bay, Suisun Bay, and Honker Bay, to spawning areas in the upper reaches of the river system during the spring. Juveniles travel downstream through San Francisco Bay to the Pacific Ocean in the late fall.

Central Valley California ESU steelhead (*Oncorhynchus mykiss*) is listed as threatened (March 19, 1998, 63 FR 13347). The ESU includes all naturally spawned populations of steelhead (and their progeny) in the Sacramento and San Joaquin Rivers and their tributaries. Excluded are steelhead from San Francisco and San Pablo Bays and their tributaries. Critical habitat for Central Valley California ESU steelhead is designated in 65 FR 7764, on February 16, 2000. All Central Valley steelhead are currently considered winter steelhead. Juvenile steelheads live in freshwater between one and four years and then become smolts and migrate to the sea from November through May.

The movements of adult and juvenile salmonids through the Bay system are thought to be rapid during these migrations. Because impacts to the water column during dredging events would be short-term, localized and minor in magnitude, no potentially adverse effects to salmonids that may be near the project site are anticipated. If a permit is issued for this proposed project, it will contain a condition that no dredging is allowed from January 1 through May 31 without prior consultation (pursuant to Section 7 of the Endangered Species Act) with and approval from the National Marine Fisheries Service (NMFS) to protect the threatened and endangered salmonids

Sacramento splittail (*Pogonichthys macrolepidotus*) is listed as threatened (February 8, 1999, 64 FR 5963). This native minnow is tolerant of brackish water and is known to occur in many of the tributaries to San Francisco Bay, including the Napa River. Splittail prefer dead-end sloughs; sloughs fed by freshwater sources; and larger, open tidal sloughs. Splittails are reported to be relatively common in Suisun Bay and Suisun Marsh, the Sacramento-San Joaquin Delta, and in the Napa and Petaluma Rivers. The primary concern for splittail populations is the loss of habitat attributable to migration barriers, loss of floodplain and tidal marsh to dike construction, and habitat draining over the last century. The species is likely present within the vicinity of the proposed project. If a permit is issued for this proposed project it will contain a condition that, in order to avoid adverse impacts to splittail, dredging is allowed only between August 1 and February 1 without consultation with and approval from the U.S. Fish and Wildlife Service (USFWS).

Delta smelt (*Hypomesus transpacificus*) is listed as threatened (March 5, 1993, 58 FR 12854). Delta smelt occur in Suisun Bay and the Sacramento-San Joaquin River Estuary. This osmerid is an euryhaline (tolerant of a wide salinity range) species that spawns in fresh water. It is the only smelt endemic to California and the only true native estuarine species

found in the Delta. Most spawning occurs in the dead-end sloughs and shallow edge-waters of channels in the western Delta. The primary threat for the delta smelt population is the large freshwater exports from the Sacramento and San Joaquin Rivers. Critical habitat for delta smelt is designated in 59 FR 65256, on December 19, 1994. The species is likely present within the vicinity of the proposed project site. Because of these concerns, consultation with the U.S. Fish and Wildlife Service will be required.

Habitat for Fish, Other Aquatic Organisms, and Wildlife - This Notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The proposal would impact approximately 38 acres at the project site of EFH utilized by various species of: **Pacific Groundfish**, **Coastal Pelagics**, and **Pacific Coast Salmon**. Our initial determination is that the proposed actions would not have a substantial adverse impact on EFH or Federally managed fisheries in California waters. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service. The Corps will be consulting with the NMFS on the effects of the proposed project on EFH.

5. **EVALUATION OF ALTERNATIVES**:
Evaluation of this activity's impacts includes application of the guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b)(1) of the Clean Water Act (33 U.S.C. 1344(b)). An evaluation was made by this office under the 404(b)(1) guidelines and it was determined that the proposed project is water dependent.

6. **PUBLIC INTEREST EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

7. **CONSIDERATION OF COMMENTS:** The Corps of Engineers is soliciting comments from the public, Federal, State and local agencies and officials, Indian Tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

8. **SUBMISSION OF COMMENTS:** Interested parties may submit in writing any comments

concerning this activity. Comments should include the applicant's name, the number, and the date of this Notice and should be forwarded to reach this office within the comment period specified on page one of this Notice. Comments should be sent to the Regulatory Branch. It is Corps policy to forward any such comments that include objections to the applicant for resolution or rebuttal. Any person may also request, in writing, within the comment period of this Notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Additional details may be obtained by contacting the applicant whose address is indicated in the first paragraph of this Notice, or by contacting Clyde Davis of our office at telephone (415)977-8449 or e-mail: clyde.r.davis@spd.usace.army.mil. Details on any changes of a minor nature that are made in the final permit action will be provided on request.